(30)

(WPC 6263/2007)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision (P.R.) No.2404/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPLICANTS

1. Smt. Durgesh Nandini Sahu, W/o Shri Ashwini Kumar Sahu, aged about 36 years,
2. Ashwini Kumar Sahu S/o Late Ganesh Ram Sahu, aged about 41 years,

Both residents of – Veer Sawarkar Nagar, Hirapur, Raipur, Tehsil and District – Raipur (C.G.)

Versus

RESPONDENTS

1. Pankaj Das @ Pikku, S/o Shri Natwarlal, aged about 21 years, Occupation- Vehicle Driver, Resident of Pandri, District Raipur (C.G.)
2. Vimal Kumar Agrawal, S/o Onkarmal Agrawal, aged about 50 years, Occupation- Director of Vimal Trading Company, R/o- Civil Lines, Raipur, District-Raipur (C.G.)
3. The New India Insurance Company Limited, through Divisional Manager, Divisional Office, Kutchery Chowk, Raipur, District Raipur (C.G.)

MEMO OF CIVIL REVISION UNDER SECTION 115 OF C.P.C.

Present:-
Shri Shivendu Pandya, counsel for the applicant.

ORAL ORDER
(Passed on 10-10-2007)

Heard on application for converting the instant civil revision into Writ Petition (C) under Article 227 of the Constitution of India.

Learned counsel for the applicant submitted that he has already filed amended writ petition along with this application.

The application is allowed. Register as Writ Petition (Civil).

Heard finally.

The petitioners are aggrieved by an order dated 13-04-2007 passed by 14th Additional Motor Accidents Claims Tribunal, F.T.C., Raipur (In short "MACT") whereby an application for permission to withdraw the amount of fixed deposit Rs.1,20,000/- was refused.

Brief facts are that in claim case No.67 of 2006 an award dated 20-09-2006 was passed wherein compensation of Rs.1,60,000/- was awarded. Out of this compensation, Rs.40,000/- was paid in cash to the petitioners and the remaining amount of Rs.1,20,000/- was ordered to be deposited in fixed deposit for five years. On 25-01-2007, the petitioners moved an application before the MACT praying that they required the amount of fixed deposit of Rs.1,20,000/- to meet out the expenses to be incurred in the construction of the house. In support of this application, the petitioners filed an affidavit and also an estimate of expenses to be incurred in the construction of house. The MACT rejected the prayer purely on a technical view. There was nothing to disbelieve the version of the petitioners that they required the amount for construction of house.

In this view of the matter, the impugned order passed by the MACT is liable to be set aside.

In the result, the petition is allowed. It is ordered that the amount of fixed deposit of Rs.1,20,000/- along with interest accrued thereon shall be paid to the petitioners.

Certified copy as per rules.

Sd-/
Dilip Raosaheb Deshmukh
Judge

Tumane